

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDAANGELA E. NOBLE
CLERK OF COURTAPPEALS SECTION
305-523-5080

TO: COUNSEL OF RECORD/APPELLANT

DATE:

IN RE: District Court No: _____

Style: _____

ORDERING AND DESIGNATION OF REPORTER'S TRANSCRIPTS [Pursuant to FRAP 10(b)]

This will acknowledge the Notice of Appeal filed in the above case which has been transmitted to the Eleventh Circuit Court of Appeals in Atlanta, GA.

WITHIN FOURTEEN (14) DAYS from the date of the Notice of Appeal being filed, the appellant must complete the attached *Transcript Information Form (TIF)*, **REGARDLESS OF WHETHER TRANSCRIPTS ARE BEING ORDERED OR NOT**. The *TIF* must be completed and mailed to the District Court Clerk at 400 N. Miami Avenue, Room 8N09, Miami, FL 33128-7716, **ATTN: COURT REPORTER COORDINATOR** in the attached envelope.

COMPLETE THE SECTION REQUESTING TRANSCRIPTS ONLY WHEN REQUESTING TRANSCRIPTS OF HEARINGS WHICH TOOK PLACE IN THE DISTRICT COURT. Arrangements for payment must be made with the court reporter within ten (10) days of the request.

Counsel appointed pursuant to the Criminal Justice Act must complete a CJA 24, *Authorization and Voucher for Payment of Transcript*, attach it to this form and forward them to the **COURT REPORTER COORDINATOR** at the above mentioned address. These forms are available at the Intake Section of the Clerk's Office.

If opposing counsel wishes to file a supplemental designation of a transcript, **you must file a motion to supplement the record with the Court of Appeals in Atlanta**. If granted, a supplemental *TIF* must be prepared and forwarded to the court reporter. The District Court **cannot** file a late designation without an order from the Court of Appeals. The court reporter **cannot** accept any further designations for the purpose of appeal other than the appellant's original unless the Court of Appeals has granted permission.

The **CERTIFICATE OF READINESS OF THE RECORD ON APPEAL** will be transmitted upon the filing of the court reporter's transcript or upon notice that a transcript will NOT be ordered.

If you have any questions, please contact the Court Reporter Coordinator at 305-523-5635.

Sincerely,
Angela E. Noble, Clerk of Court

By: _____
Deputy Clerk

attachment

400 North Miami Avenue Room 8N09 Miami, FL 33128-7716 305-523-5100	299 E. Broward Boulevard Ft. Lauderdale, FL 33301 954-769-5400	701 Clematis Street West Palm Beach, FL 33401 561-803-3400	301 Simonton Street, Rm 130 Key West, FL 33040 305-296-4947	300 South 6 th Street Ft. Pierce, FL 34950 561-595-9691
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ELEVENTH CIRCUIT TRANSCRIPT ORDER FORM
Provide all required information and check the appropriate box(es)

PART I. Transcript Information

Within 14 days of the filing of the notice of appeal, the appellant must complete Part I and file this form with the District Court Clerk and the Court of Appeals Clerk for all cases. 11th Cir. R. 10-1.

Case Information:

Short Case Style: _____ vs _____

District Court No.: _____ Date Notice of Appeal Filed: _____

Court of Appeals No. (if available): _____

Transcript Order Information:

☐ No hearing ☐ No transcript is required for appeal purposes ☐ All necessary transcript(s) already on file

☐ I am ordering a transcript of the following proceedings:

_____ HEARING DATE(S) / JUDGE/MAGISTRATE / COURT REPORTER NAME(S)

☐ Pre-Trial Proceedings _____

☐ Trial _____

☐ Sentence _____

☐ Plea _____

☐ Other _____

Criminal Appeals:

In a criminal appeal, if the appellant pleaded guilty and intends to raise an issue regarding the guilty plea, the record must include a transcript of the guilty plea colloquy, and if the appellant intends to raise an issue regarding the sentence, the record must include a transcript of the sentencing hearing. ***If such transcripts are not ordered or are not already on file, you must check the appropriate box(es) below:***

☐ A transcript of a guilty plea colloquy is not being ordered and is not already on file, and I certify that no issue regarding a guilty plea will be raised in a merits brief in this appeal.

☐ A transcript of the sentencing hearing is not being ordered and is not already on file, and I certify that no issue regarding sentencing will be raised in a merits brief in this appeal.

Note: Counsel who seek leave to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), must ensure the record contains transcripts of all relevant proceedings. See 11th Cir. R. 27-1(a)(8).

Financial Arrangements:

☐ I certify that I have made satisfactory arrangements with the Court Reporter(s) for paying the cost of the transcript(s).

☐ Criminal Justice Act: My completed AUTH-24 for government payment of transcripts has been uploaded in eVoucher and is ready for submission to the magistrate judge or district judge [if appointed by the district court] or to the circuit judge [if ordered by or appointed by the circuit court]. [A transcript of the following proceedings will be provided ***only if specifically authorized*** in Item 13 on the AUTH-24: Voir Dire; Opening and Closing Statements of Prosecution and Defense; Prosecution Rebuttal; Jury Instructions.]

Ordering Counsel/Party: _____

Address: _____

E-mail: _____ Phone No.: _____

I certify that I have completed and filed Part I with the District Court Clerk and the Court of Appeals Clerk, served all parties, AND sent a copy to the appropriate Court Reporter(s) if ordering a transcript. 11th Cir. R. 10-1.

Date: _____ Signature: _____ Attorney for: _____

PART II. Court Reporter Acknowledgment

Within 14 days of receipt, the Court Reporter must complete this section, file this form with the District Court Clerk, and send a copy to the Court of Appeals Clerk and all parties. The transcript must be filed within 30 days of the date satisfactory arrangements for paying the cost of the transcript were made unless the Court Reporter obtains an extension of time to file the transcript.

Date Transcript Order received: _____

☐ Satisfactory arrangements for paying the cost of the transcript were made on: _____

☐ Satisfactory arrangements for paying the cost of the transcript have not been made.

No. of hearing days: _____

Estimated no. of transcript pages: _____

Estimated filing date: _____

Date: _____ Signature: _____ Phone No.: _____

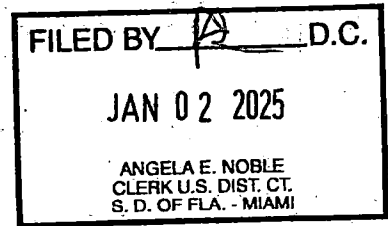
PART III. Notification That Transcript Has Been Filed In District Court

On the date the transcript is filed in the district court, the Court Reporter must complete this section, file this form with the District Court Clerk, and send a copy to the Court of Appeals Clerk.

I certify that the transcript has been completed and filed with the district court on (date): _____

Date: _____ Signature: _____

UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF FLORIDA



FRANK E. POLO, SR.
Plaintiff,

v.

BERNSTEIN, et al.

Defendants,

NOTICE OF APPEAL

CASE NO: 23-CV-21684 /

NOTICE OF APPEAL.

1. Comes now the Plaintiffs, FRANK POLO, and respectfully files this notice of appeal to the United States Court of Appeals for the Eleventh Circuit from the final judgment rendered on July 23, 2024 (ECF: 56) by the Southern District Court of Florida.

2. Subsequently, a motion to alter or amend the judgment was timely filed on Aug 19, 2024, pursuant to Fed. R. Civ. P. 59(e) was subsequently amended on August 21, 2024, to correct an error in scanning the document's first page. *See Banister v. Davis*, 140 S. Ct. 1698, 1700 (2020) ("A timely filed motion suspends the finality of the original judgment for purposes of appeal, and only the district court's disposition of the motion restores finality and starts the 30-day appeal clock. If an appeal follows, the ruling on the motion merges with the original determination into a single judgment.") ("[I]f [appellant] timely submits a Rule 59(e) motion, there is no longer a final judgment to appeal from. Only the disposition of that motion restores the finality of the original judgment, thus starting the 30-day appeal clock.")

3. The disposition of the Rule 59(e) was rendered on Dec 4, 2024 (ECF: 72).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 2, 2025, a true and correct copy of the foregoing was filed/mailed with/to the Clerk of the Court who will use the CM/ECF system which will send a notice of electronic filing to all counsel or parties of record on the Service List below.